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8 **REMARKS**

9 In response to the Final Office Action dated November 28, 2006, Applicant
10 respectfully requests reconsideration based on the following remarks. Applicant
11 respectfully submits that the claims as presented are in condition for allowance.
12 Claims 1-20 are pending in the application. Applicant thanks the Office for the
13 detailed yet succinct analysis presented in the Office Action.

14
15 **The §102 Rejections**

16 Claims 1-20 stand rejected under 35 U.S.C. § 102(a) as being anticipated
17 by U.S. Patent Pub. No. 2002/0183059 to Noreen et al. (hereinafter, "Noreen").
18 Applicant respectfully traverses the rejections. Applicant has, however, amended
19 independent claim 1 for the sole purpose of advancing prosecution and without
20 conceding the propriety of the Office's rejections.

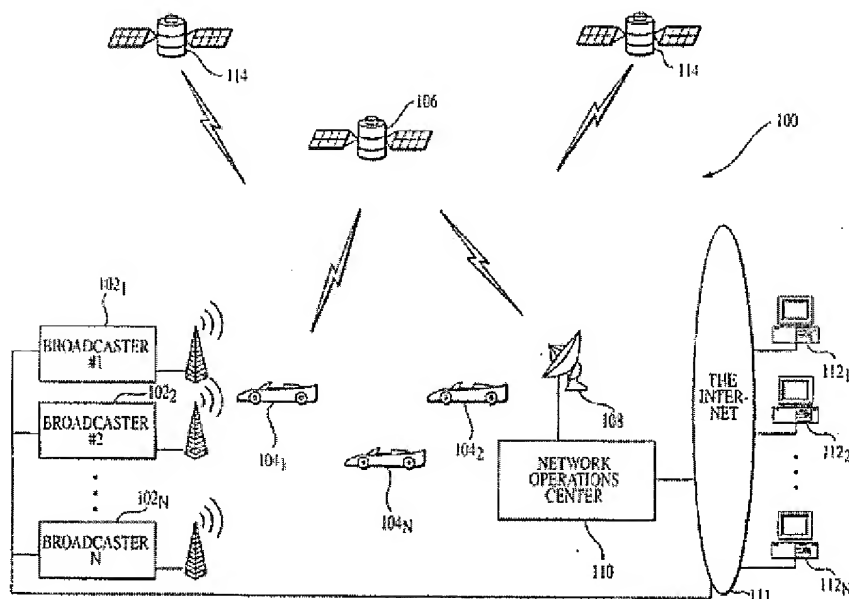
21 **Claim 1**, as amended, recites a system, comprising (emphasis added):

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- a receiver in communication with a digital radio broadcast transmitter and a digital radio broadcast server, the digital radio broadcast transmitter and the digital radio broadcast server residing within a digital radio broadcast station that transmits audio content, the receiver comprising a user interface for receiving user input commands comprising a request for information from the digital radio broadcast station, wherein the receiver is configured to establish a two-way communication path between the receiver and the digital radio broadcast transmitter residing within the digital radio broadcast station, *thereby establishing a feedback loop between the receiver and the radio broadcast station that transmits the audio content*,
 - *wherein the receiver is further configured to receive a response message from the digital radio broadcast station that transmits the audio content*, the response message generated in response to the request for information, and
 - wherein the request for information is provided from the receiver to the digital radio broadcast server residing within the digital radio

1 broadcast station via a network and the digital radio broadcast server
2 residing within the *digital radio broadcast station is configured to*
3 *receive the request and transmit the response message to the*
4 *receiver* in accordance with the request.

5 In making out a rejection of claim 1, the Office states that Noreen discloses
6 all of the elements of the claim. (*Office Action of 11/28/06*, p. 4-5). Applicant
7 respectfully disagrees. Nevertheless, Applicant has amended claim 1 to further
8 clarify the claim from the cited reference.

9 Applicant thus submits that Noreen fails to disclose a “receiver [that]
10 is...configured to receive a response message from the digital radio broadcast
11 station that transmits the audio content”. Instead, Noreen teaches that “feedback
12 to the subscribers...[is] received at individual subscribers *computers*” or the like,
13 represented by reference number 112 in Noreen’s Fig. 1 reproduced below. In
14 addition, Noreen fails to disclose a “digital radio broadcast station [that] is
15 configured to...transmit [a] response message to [a] receiver”. (emphasis added).
16 Noreen at most discloses a Network Operations Center 110 that provides feedback
17 to computers 112 or the like.



1 Applicant also notes that during the latter of the afore-mentioned Examiner
2 interviews, the Office also agreed Noreen fails to disclose these claim elements.
3 Applicant once again thanks the Office for its insight.

4 For at least this reason, this claim stands allowable.

5 In addition, Applicant also submits that Noreen fails to disclose “a feedback
6 loop between the receiver and the radio broadcast station *that transmits the audio*
7 *content*”. (emphasis added). Instead, Noreen at most teaches a broadcaster 102
8 that transmits audio content—but cannot receive communication from a
9 receiver—and a network operations center that provides feedback to a subscriber’s
10 computer 112 or the like. As such, Noreen fails to create a feedback loop
11 “between the receiver and the radio broadcast station *that transmits the audio*
12 *content*”, as recited in Applicant’s claim. (emphasis added).

13 For at least this additional reason, this claim stands allowable.

14 **Claims 2-20** depend from claim 1 and, by virtue of this dependency, the
15 above comments directed to claim 1 apply equally to these claims. Moreover,
16 these claims recite features that, when taken together with those of claim 1, define
17 systems not disclosed by Noreen.

1 **Conclusion**

2 The Applicant respectfully requests reconsideration and withdrawal of the
3 rejections of claims 1-20 and favorable action on the subject application. If any
4 issue remains unresolved that would prevent allowance of this case, the Examiner
5 is requested to contact the undersigned agent to resolve the issue.

6
7 Respectfully Submitted,

8 Date: 2/26/2007

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